

7-16-03

Notice of Allowability	Application No.	Applicant(s)	
	10/643,453	GREMEL ET AL.	
	Examiner	Art Unit	
	Sharon Kennedy	3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed on August 19, 2003.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>08/19/2003</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

Claims 1-18 are allowed.

The following is an examiner's statement of reasons for allowance:

The closest prior art is the patent to Haber et al., US 4,813,426, cited by applicant. Reference is made to Haber figures 7-9. Haber discloses the inner component 62 and outer component 64. The tab is anticipated by leg 82, the slot is shown by Haber slot 86. Figure 8 shows the tab 82 engaging the groove for preventing separation of the devices. However, as is apparent, Haber discloses a groove 76 and not a shoulder 28 as claimed. This shoulder has a function as set forth by the claims and it enables a sliding interface between the inner surface of the outer tubular member and the shoulder. None of the prior art discloses or suggests this feature in combination with the other recited elements.

Larson, US 4,639,249 discloses the shoulder 23 on the inner component 21, an outer tubular component 11 having an inner surface for abutting the shoulder 48, a retaining tab having a body 51 parallel to the longitudinal axis, and regarding the slot, as can be seen in the drawings, the spring 51 does not have a wall structure beneath it. Note that the tab 41 can be depressed. However, the Larson lever 41 cannot be depressed for engagement with the shoulder of the inner component to prevent separation of the inner component from the outer component.

The patent to Weatherford, US 5,527,294 also discloses a similar arrangement. Note that the tab 124 resembles the tab depicted by applicant's figures. However,

Art Unit: 3762

Weatherford fails to disclose or suggest a shoulder on an inner component with an inner surface on the outer component for abutting the shoulder.

The patent to Choksi, US 4,737,144 is similar. Choksi discloses the inner component 11 having a shoulder 21, an outer tubular component 16, the tab 20, etc. However, Choksi fails to disclose an inner surface for abutting the shoulder. Note is made of Choksi figure 7, flange 31, however, a close reading of the description thereof in column 4, lines 10-16 reveals that the flange is on an outer portion of the sleeve and it provided to prevent a finger, etc., from slipping into the needle region when operating the syringe sleeve.

The patent to Haber et al., US 4,767,413 again discloses a similar arrangement. Note shoulders on the inner component in figure 9, for example. However, tabs 12 pressed inwardly (arrows 80) do not engage the shoulder to prevent separation of the components.

The patent to Stiles et al., US 5,433,712 is noted. See especially sheet 2. However, as is apparent from sheet 3, figure 4, tab 24 does not have a free end.

The remaining patents are even further from the recited claims, accordingly, the claims are allowed.

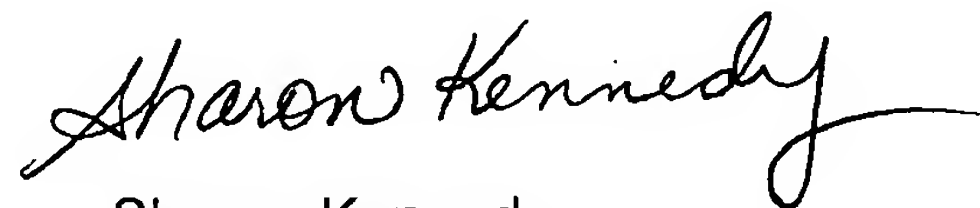
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Kennedy whose telephone number is 571/272-4948. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571/272-6996.

Information regarding the status of an application may be obtained by going to www.uspto.gov, clicking on "Status & IFW", entering the application number, and then clicking on one of the tabs to retrieve the appropriate information.



Sharon Kennedy
Primary Examiner
Art Unit 3762